

July 22, 2002

Amendments to the FY 2003 Treasury/Postal/General Gov't Appropriations

PLEASE NOTE: A unanimous consent agreement was propounded and agreed to last night limiting amendments to the following:

Rep. Flake (#2) prohibits agencies from spending money on earmarks only contained in the Committee Report, but not the actual bill text. *Subject to a point of order.*

Reps. Sanders prohibiting the Internal Revenue Service (IRS) from using any funding to issue a favorably tax-qualified determination letter to an employer who converts to a cash balance pension plan.

Rep. Wynn (#8) requiring an agency either to conduct a new public-private competition or to convert a function to performance by Federal employees if a report indicates that: (1) contracting out costs exceed costs of performance by Federal employees; or (2) contracting out fails to meet quality control standards. *Subject to a point of order.*

Rep. Barr prohibiting funds made available to support a national media campaign from being used to pay any entity that has entered into a settlement to pay claims against that entity by the United States under the False Claims Act. In February of 2002, Ogilvy & Mather North America settled a lawsuit with the U.S. Department of Justice. The firm agreed to pay the government \$1.8 million to settle claims under the False Claims Act and administrative claims that the firm overcharged ONDCP in 1999 and 2000 for labor costs in its contract to provide advertising services. The firm is reportedly under criminal investigation by the Department of Justice. Ogilvy & Mather received yet another lucrative contract to continue providing services in support of the National Youth Anti-Drug Media Campaign. This amendment simply blocks any company that has already defrauded the government from receiving anymore taxpayer dollars by allowing other capable media firms to compete for public funds. *Possibly subject to a point of order. The amendment may be modified to simply prohibit any payment pursuant to the contract with Ogilvy & Mather.*

Rep. George Miller prohibiting funds from being used to enter into a contract with an entity under the Federal Acquisition Regulation unless the contractor has a satisfactory record of integrity and business ethics. Should be *subject to a point of order.*

Rep. Hoyer prohibiting funds from being used by the Customs Service to require reports on repairs to U.S. Flag vessels on the high seas.

Rep. Jackson-Lee (#12) prohibiting funds from being used to prevent the rehabilitation of urban and rural post offices.

Rep. Hefley reduces Allowances and Office Staff for Former Presidents by \$339,000 to \$3 million, \$196,000 below last year's level.

Rep. Hefley (#16) provides a 1 percent cut to the entire amount allotted in the Treasury, Postal Service and General Government Appropriations Bill saving approximately \$185 million.

Rep. Kucinich (#18) prohibiting funds from being used to enforce or implement discounts for the statistical value of a human life estimated during regulatory reviews through implementation of OMB Circular A-94 "Guidelines and Discount Rates for Benefit Cost Analysis of Federal Programs" or any guidance having the same substance.

Reps. Moran (VA), Wolf, and Morella (#21) prohibiting the Office of Management and Budget, or any other Federal agency, from using numerical goals, targets, or quotas for the outsourcing of Federal jobs to private contractors.

RSC STAFF NOTE: It is the understanding of RSC staff that adoption of this amendment would make it virtually impossible to implement a key component of the President's management reform agenda, which calls for encouraging federal agencies to utilize, when appropriate, private sector sources for activities / products that are available in the private sector. Encouraging public-private competition is expected to generate significant cost savings for the taxpayer.